

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 6/27/2023

JOEL BRANFORD,
-against-

Movant

-against-

UNITED STATES OF AMERICA,

Respondent.

ORDER

GREGORY H. WOODS, United States District Judge:

On June 16, 2023, the Court denied a motion filed by Joel Branford under Rules 52(b) and 59(e) of the Federal Rules of Civil Procedure related to his petition for *habeas* relief. The order denying the motion was filed only on the docket of Mr. Branford's criminal case (1:14-cr-225) at Crim. Dkt. No. 285. The order was filed only in that docket consistent with the Court's February 16, 2022 order to answer, which directed that papers for filing in connection with Mr. Branford's *habeas* petition be docketed in the criminal case. Crim. Dkt. No. 270.

Two copies of Mr. Branford's motion were nonetheless filed on the docket of the civil case: one was docketed on June 16, 2023, Dkt. No. 17; and a version the motion using a different font with a later date, was docketed on June 23, 2023, Dkt. No. 18. The Court enters this order as an administrative matter to address the notation in the docket of the civil case that those motions remain pending. They are not because they were resolved by the Court's June 16, 2023 order. Crim. Dkt. No. 285. For the avoidance of all doubt, that order, not this one, resolved that motion. This order only implements an administrative action within the Court's docketing system and memorializes the fact that the documents filed at Dkt. No. 17 and 18 in this matter are the same in substance as the motion previously resolved by the Court.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). Mr. Branford has not made a substantial showing of the denial of a constitutional right, so the Court denies a certificate of appealability under 28 U.S.C. § 2253.

The Clerk of Court is directed to terminate the motions pending at Dkt. No. 17 and 18. The Clerk of Court is directed to mail a copy of this order to Mr. Branford.

SO ORDERED.

Dated: June 27, 2023
New York, New York



GREGORY H. WOODS
United States District Judge